THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4380 OF 2007

DATED: 12-07-2007

BETWEEN

G. Kumaraiah Goud,
S/o. Sandanna Goud,
Occ: Business,
R/o. Bandameedipalli
Village, Mahabubnagar
District and another.

...PETITIONERS

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue (Ex.II) Department,
Secretariat, Hyderabad and
others.

...RESPONDENTS

ORDER:

Heard the learned counsel for the petitioners as well the learned Government Pleader appearing for the respondents.

2. Petitioners submit that they are the members of Mahabubnagar Toddy Tappers Cooperative Society, Mahabubnagar and a case of adulteration was registered against the society by the Station House Officer, (Prohibition and Excise) Police Station, Mahabubnagar. During the pendency of the criminal proceedings, the Prohibition and Excise Superintendent, appointed the Station House Officer, Mahabubnagar as official-person-in-charge of the society under Section 32(7)(a) of the Andhra Pradesh Cooperative Societies

Act, 1964, to manage the affairs of the society for a period of six months and the same is extended from time to time. They further submit that the General Body Meeting could not be conducted and the person-in-charge convened the general body meetings on 19.08.2005, 15.12.2005 and 11.09.2006 by issuing notices for the purpose of conducting elections to the managing committee. The elections to the society for electing the members of the managing committee was scheduled to be held on 11.09.2006 while so, the same was stopped by the Government vide fax message No.39959/Ex.II/06-2 dated 11.09.2006. The petitioners question the said fax message of the Government in staying the elections.

3. Learned Government Pleader appearing for the respondents submits that the Government after examining the matter and after getting the necessary report from the Deputy Commissioner as well as the Prohibition and Excise Superintendent, Mahabubnagar, vacated the stay orders granted earlier directing the concerned officials to rectify the defects pointed out earlier with regard to the members of the society and proceed ahead with election process, vide its Memo.No.39959/Ex.II(1)/06-3 dated 10.04.2007.

4. In view of the aforesaid memo the first limb of the prayer to declare the impugned fax message as illegal and arbitrary has become infructuous.

5. Learned counsel for the petitioners submits that the second limb of the prayer that is to direct the respondents to conduct the general body meeting of the Mahabubnagar Toddy Tappers Cooperative Society for electing a managing committee to the society survives.

6. In the aforesaid memo the Government also directed the concerned officials to proceed ahead with the election process after rectifying the defects, if any. Therefore, I am of the opinion that there cannot be any justification on the part of the respondents in not conducting the elections.

Having regard to the facts and circumstances of the case,

the writ petition is accordingly disposed of directing the respondents 2 and 3 to conduct elections to the Mahabubnagar Toddy Tappers Co-operative Society in accordance with law as expeditiously as possible without any delay. There shall be no order as to costs.

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V. ESWARAIAH, J

July 12, 2007
Note: Furnish C.C. of the order by 16.07.2007
(**B**/**o**)
DSK